

OLL 83-2220
15 September 1983

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MEMORANDUM FOR: [redacted]
Director of PersonnelTHROUGH: [redacted]
Chief, Legislation Division, OLL

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FROM: [redacted]
Legislation Division, OLL

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SUBJECT: Response to Questions Raised
During Our Last Meeting

1. During our meeting several days ago on the Merit Pay Reform Act of 1983, you raised several questions covering other personnel issues. This memo is to respond to your inquiries.

2. One of the issues discussed was item 12 in the legislative program for the first session of the 98th Congress. Section 12 states that the DCI will "support legislation to afford DIA increased flexibility in the management of its personnel system". I have researched our files and discussed the issue with [redacted] former Chief of this Division, to determine the history and meaning behind this item on our legislative program. It appears that DIA has been seeking increased personnel management authority for the past few years. In the 97th Congress, S. 2488 passed the Senate in May of 1982 but in the House three Committees took primary jurisdiction of the bill: HPSCI; Post Office and Civil Service; and Armed Services. The bill died with the 97th Congress. DIA drafted a successor to S. 2488 and submitted it to OMB for clearance earlier this year. There have been legal/litigation concerns expressed with the various versions of DIA's legislation over the past few years; however, a decision was made that the concerns were at this point quite speculative and the Agency could not be in the position of opposing enhanced personnel benefits for another agency in the Intelligence Community on these grounds. Therefore, it was decided that we would voice no objection to DIA's proposal as far as the OMB clearance process was concerned. If the legislation ever showed signs of movement in the House, it was felt that there would be ample opportunity for us to discuss our concerns with the HPSCI at that point in time.

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3. Also raised at the meeting were questions concerning benefits for employees assigned to attaché and liaison offices outside the United States under the auspices of the Department of Defense. Section 405 of S. 1230 as reported by the SSCI authorizes the Director of DIA to provide to DOD military and civilian personnel assigned to these offices certain allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service. Attached is section 405 and an excerpt from the SSCI report accompanying S. 1230 which spells out exactly what benefits would be extended to DIA under this section. (TAB A)

4. Another issue raised concerned whether personnel-related provisions are contained in the FY 83 Authorization Act and the FY 84 Intelligence Authorization Bills. Personnel benefits are as follows:

FY 83 Intelligence Authorization Act:

- Section 102 states that the authorized personnel ceilings are contained in the classified annex;
- Section 402 amended section 102 of the FY 82 Intelligence Authorization Act to authorize the DCI to exceed CIA's civilian personnel ceiling by up to two percent of the total number authorized;
- Title VI (Sections 601-613) set forth the retirement benefits for certain former spouses of CIA employees; and
- Section 702 contains the usual language allowing payment of any increase in benefits authorized by law

FY 84 Intelligence Authorization Bills:

- S. 1230 as reported -- Section 101(e) allows the DCI to exceed the authorized civil personnel ceiling for an element of the Intelligence Community by up to two percent; (TAB B)
- Section 202 outlines the consequences of the appointment of a commissioned officer to the position of Director or Deputy Director of the Intelligence Community staff; (TAB C)
- Section 401 amends section 5 of the CIA Act of 1949 to give the Director the authority to determine and fix minimum and maximum age limits for an original appointment to an operational position within the Agency; (TAB D)

- Section 402 extends the authority of the Director of Central Intelligence to pay awards under section 4503 of title 5 in recognition of outstanding service to include employees of other government agencies and members of the armed forces detailed or assigned to the CIA or to the Intelligence Community staff. Under section 4503, an agency head may pay such awards to employees but it is not clear that this includes individuals detailed or assigned to the Agency, particularly if they are members of the Armed Forces; (TAB E)
- Section 404 amends title 5 to adjust the executive level of the positions of Director and Deputy Director of Central Intelligence to put the position of DCI at level I of the Executive Schedule and the position of DDCI at level II of the Executive Schedule; (TAB F)
- For discussion of section 405 see paragraph three above; and
- Section 501 contains the usual language allowing payment of any increase in benefits authorized by law. (TAB G)
- H.R. 2968 as reported -- Section 107 authorizes the DCI to exceed by up to two percent the number of civilian personnel authorized under titles I and II of the Intelligence Authorization Act for FY 83;
- Section 401 contains the same provisions as section 401 of S. 1230 to give the Director the authority to determine and fix minimum and maximum age limits for an original appointment to an operational position within the Agency; (TAB H)
- Section 402 contains the same provision as section 402 of S. 1230; and (TAB I)
- Section 502 again contains the routine language allowing payment of any increase in benefits authorized by law. (TAB J)

5. The final issue discussed in the meeting concerned domestic relocation. There is nothing contained in the statutory language of either Intelligence Authorization Bill which would deal with the issue of domestic relocation. However, the classified annex of the HPSCI report to our Authorization Bill does contain a paragraph which makes it clear that the Committee expects the CIA to take no further action on its own authorities to resolve its domestic relocation problems until a solution can be found which would address these and similar concerns for all affected agencies within the Intelligence Community. A copy of the Committee language is attached for your information and review. At this time, this is the only restriction which has been placed on us in any form by the Congress. (TAB K)

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6. I will be working closely with [redacted] Liaison Division, on personnel issues throughout the remainder of this Congress. Please do not hesitate to call if this Division can be of any assistance to you.

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Attachments

Distribution:

Original - Addressee

1 - OLL Chrono

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1 - [redacted] Signer

1 - [redacted] Signer

✓ 1 - LEG File: Personnel Issues Generals 98th

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OLL [redacted] (16 September 1983)

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